

BOARD OF MADISON COUNTY COMMISSIONERS
January 7, 2020, Meeting Minutes

On Tuesday, January 7, 2020, a meeting of the Board of Madison County Commissioners came to order at 9:40 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands, Chairman, Ron Nye, and Jim Hart present. Laurie Buyan, Executive Assistant to the Board of Commissioners, was present to take minutes.

Those people in attendance at the meeting were Bob Bates, Tammy Mahlstedde, Shelly Burke, Bruce Holmes, Vicki Tilstra, Britani Allhands, Ray Rowberry, Denny Lueck, Frosty Armstrong, Joe Brummell, Boise Atkinson, Jani Flinn, and those on the attached list.

Approval of Minutes: There were no minutes available for approval.

Claims: The Board approved claims.

Journal Vouchers: Following review, Jim Hart moved to approve journal vouchers for the 12/19 accounting period. Ron Nye seconded the motion. All voted aye and the motion carried.

Commissioner Liaisons to County Boards: The Board reviewed the 2019 list of Commissioner Liaisons to County boards. After review, Ron Nye moved to keep the same board liaisons in 2020 as they were in 2019 with the addition of Dan Allhands as the liaison for the DUI Task Force. Jim Hart seconded the motion. All voted aye and the motion carried.

Resolution 1-2020 Mileage Rates: The Board discussed the resolution for mileage rates. Laurie stated that she reviewed statute and past resolutions, noting that the language for mileage resolutions was changed in 2008 to include using the lower rate for personal vehicles when a County vehicle is available. She added that statute only allows for 48.15 % of the standard mileage rate in this instance. The language in the current resolution was corrected to reflect this change. Following discussion, Ron Nye moved to approve Resolution 1-2020, a resolution setting mileage rates for calendar year 2020, with corrections. Jim Hart seconded the motion. All voted aye and the motion carried.

Resolution 2-2020 Setting Commission Meeting Dates: Following review, Jim Hart moved to approve Resolution 2-2020, a resolution setting dates for Commission meetings. Ron Nye seconded the motion. All voted aye and the motion carried.

Resolution 3-2020 Establishing County Office Hours: Following review, Ron Nye moved to approve Resolution 3-2020, a resolution setting County office hours. Jim Hart seconded the motion. All voted aye and the motion carried.

Resolution 4-2020 Establishing Locations for Posting Public Notice: Following review, Jim Hart moved to approve Resolution 4-2020, a resolution establishing locations for posting public notice. Ron Nye seconded the motion. All voted aye and the motion carried.

Resolution 5-2020 Establishing the Rate of Credit for Incarceration: Following review, Ron Nye moved to approve Resolution 5-2020, a resolution setting the rate of credit for incarceration. Jim Hart seconded the motion. All voted aye and the motion carried.

Monthly Safety Report for December: Bob Bates, Safety Coordinator, met with the Board to present and review the Safety Coordinator monthly report for December of 2019. Tammy Mahlstedde, Human Resource Generalist, was present for this portion of the meeting. Bob reviewed meetings and trainings that he attended; discussed a Life Safety Survey that was conducted at the Madison Valley Manor and a follow

survey that was completed in December and explained violations that were cited; discussed a Water Management Team that he is creating to help combat Legionella in the nursing homes; reviewed incident investigations and reports he has completed; and discussed where he and others are in the process of becoming an American Heart Association Certified CPR/AED/First Aid Instructors. Bob reviewed items that were discussed at the most recent Safety meeting, noting that some of the items, such as Job Hazard Analysis and Personal Protective Equipment Hazard Assessments, were requested by Amelia McEwen, MACo Loss Control Specialist. He also discussed a Department of Labor Safety Inspection that was conducted on the Nevada City, Alder, and Sheridan Solid Waste sites and possible solutions for the findings. Bob also reviewed Safety self-inspections that have been completed and distributed and reviewed a list of workers compensation claims and a spreadsheet of incident statistics for calendar year 2019. He noted that slips, trips, and falls continues to have the highest number of incidents; that January through March are the months with the highest number of incidents; and that Wednesday and Friday are the two days with the highest number of incidents. He also noted that 2019 had the highest number of claims reported but the lowest amount of claims paid. He contributed this to encouraging claims to be filed and follow-up investigations to help minimize future losses.

Items Not Listed on the Agenda but Within the Board's Jurisdiction: Jim Hart presented the Board with a request for a letter of recommendation for a nomination as the Woman Owned Business of the Year. He noted that he just received the request earlier in the day and they would like the letter by this afternoon. Following discussion, Jim Hart moved to approve sending a letter of support for Nikki Edmundson, owner of Cauty Boots, for her nomination as the Woman Owned Business of the Year. Ron Nye seconded the motion. All voted aye and the motion carried.

Personal Property Tax Bills: Shelly Burke, Treasurer, met with the Board to discuss personal property tax bills for a taxpayer that the Department of Revenue has made adjustments on for 2019. She stated that the total amount of the difference for nine bills is less than \$28.00. She added that with labor, postage, and paper it would cost more to re-issue each of the bills than she would collect. She stated that she would like to leave the bills as they are for this year as they will be correct for next year. The Board concurred.

Varney Road Repair Project Agreement: Jim Hart discussed a construction agreement for Varney Road, noting that the County Attorney has reviewed the agreement and that the actual work on the road probably won't happen for a few years. After review, Jim Hart moved to approve the Construction Agreement for Varney Road – South of Ennis, UPN 9665001 between Madison County and the Montana Department of Transportation, for an estimated cost of \$2,800,000 using STPS funds. Ron Nye seconded the motion. All voted aye and the motion carried.

New Regulations for CDL Drivers: Bruce Holmes, Federal Motor Carrier Safety Administration, met with the Board at the request of the Human Resource Department to discuss new regulations for CDL drivers. Tammy Mahlstedt, Human Resource Generalist, Vicki Tilstra, Finance Officer, Britani Allhands, Finance Clerk, Ray Rowberry, District 1 Road Crew Foreman, Denny Lueck, Solid Waste Foreman, and Frosty Armstrong, District 2 Road Crew Assistant Foreman, were present for this portion of the meeting. Bruce stated that the new Federal Clearinghouse was built to protect employers and employees. It will create a Federal database of everyone who holds a commercial drivers' license with name and date-of-birth for each driver. All employers are required to sign up, although he did suggest waiting a short period of time before trying to log on to the system because it is currently overloaded. He discussed the two types of queries, noting that all employees will be required to sign a consent form for a limited query and that these are done once a year, each year. If something shows up on the limited query, that driver will be required to create a profile on the Federal website and consent to a full query. If there are positive results from the full query, the driver will be required to work with a substance abuse professional to get released. If the driver refuses consent to either query, the employer cannot that person to drive in a capacity that requires a CDL. All new hires will be required to consent to a full query. There was discussion regarding drivers that have had DUIs. Bruce stated that this clearinghouse only affects drivers that have tested positive in a drug and alcohol screening and this process is totally separate from the DUI process. There was also discussion about requiring drivers to have medical certificates to drive for Madison County. Bruce stated that 49-CFR-390.3(f)(2) specifically exempts transportation performed by the Federal Government, a State, or any political subdivision of a State from this requirement but added that the County has the option of requiring it.

He also noted that this is not a part of the new Federal Clearinghouse requirements. He explained that if a driver chooses to drive only for a government entity, he is not required to have a medical certificate but if he drives for anyone other than government, he is required to have the certificate. There was further discussion about if the County would pay for the exam if drivers are required to have a medical certificate and how often they would pay if someone was required to go back annually rather than semi-annually. In closing Tammy asked if the County wants drivers to have a medical card, does the County pay for it and do we need to have the medical cards on file? Jim Hart stated that he would say yes to both, but no decision was made by the Board.

Purchase of CDL Clearinghouse Queries and Authorization to use Chemnet Consortium as Madison County's C/TPA: Laurie discussed queries that will now need to be purchased and run each year and requested authorization to use Chemnet Consortium as the C/TPA. Following discussion, Jim Hart moved to authorize the purchase of queries and to designate Chemnet Consortium as the C/TPA for Madison County. Ron Nye seconded the motion. All voted aye and the motion carried.

Pace/Butler Request to Purchase Used Cell Phones: Laurie discussed a request she received from Pace/Butler to purchase the County's used cell phones. She noted that will delete all information on the phones and provide a Certificate of Data Removal with payment of the phones. Dan suggested talking to the IT Department to see if they can remove the data prior to selling the phones to make sure it has been properly removed. This topic was continued to the next regular Commission meeting.

Security Cameras for District 1 Road Shop: The Board discussed putting cameras in and around the Alder Road Shop. Jim Hart stated that he thinks cameras are a good idea. After discussion, Ron Nye moved to the purchase of cameras for the Alder Road Shop from Fox Alarm and Technology, Inc. for the amount of \$3,713.75, or not to exceed \$4,000. Jim Hart seconded the motion. All voted aye and the motion carried.

Disaster and Emergency Services: Joe Brummell, Director of Emergency Management, met with the Board to discuss the following topics. Boise Atkinson, Harrison Fire Chief, and those on the attached list were present for this portion of the meeting.

- **Emergency Operations Plan Annex C – Continuity of Operations:** Joe updated the Continuity of Operations portion of the Emergency Operations Plan from the 2011 version to reflect changes in location and building functions for operations including the Virginia City Town Hall, Dispatch, and Sheriff's Office, as well as county jail holding facilities relocating to neighboring counties. Following review, Jim Hart moved to approve the Continuity of Operations for Annex C Emergency Operations Plan as presented. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Cataract Dam - High Risk, Non-Compliant:** Joe and Boise discussed the dangers and consequences of a potential structure failure at the Cataract Dam, as well as recommended evacuation procedures that should be put in place. Joe reviewed a December meeting in Helena between the Department of Natural Resources and Conservation (DNRC) and the Cataract Dam Water Resources User's Association where dam issues were discussed, referred to meeting documents which listed the DNRC's action items, and laid out issues with the toe drain, which was identified as the central problem. He explained the logistics and other issues involved with fixing identified problems at this remote site, and related the DNRC's directive to the private owner to get the problems fixed before the upcoming May runoff season. Discussion included speculation about the dam's internal construction and possible testing options, possible cause(s) and timing of damage, why it was originally constructed as it was, proximity to Pony and to the Hebgen dam, photos taken inside the toe drain, high hazard dam owner responsibilities, affected areas downstream, and emergency plans. Joe and Tommy presented a large map of the area and pointed out the areas discussed. Joe said the meeting in Helena was long and intense, the DNRC made the dam's board very aware of their responsibilities and liability, and discussed taking a proactive approach to making necessary safety improvements. As a result of the meeting, Joe suggested taking steps such as mailing notices to downstream residents, signing people up for Code Red notifications, conducting town hall meetings, and discussing evacuation routes. Additional discussion included a preference for finding a way to fund fixing the dam rather than seeing it shut down, irrigation concerns, creating a district and applying for grants, water rights and shares, and how to express willingness to help.

Human Resources: Tammy Mahlstedt, Human Resource Generalist, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, Vicki Tilstra, Finance Officer, and Britani Allhands, Finance Clerk, were present for this portion of the meeting.

- **Commercial Drivers' License Medical Examiners Certificate:** Tammy provided a list of CDL drivers with the dates that their medical certificates and drivers' licenses expire. There was discussion about requiring all County CDL drivers to have a current medical examiner's certificate even though there is an exemption from this rule for government employees. There was also discussion about whether or not the County should pay for the medical examination if the County requires drivers to have a certificate. Bonnie stated that she is halfway of the opinion that the County is not responsible to pay for the exam. Dan stated that he doesn't like to see the County exempt from things that other drivers are required to do. He stated he would like to see what other counties are doing and put the topic back on the agenda at a later date for further discussion.
- **Board Leadership Training:** Tammy discussed the option of sponsoring a Board Leadership Training that would be conducted by Dan Clark of Local Government Services. She stated that Mr. Clark is available on February 19 and February 20, 2020, at a cost of \$500 plus travel expenses. Dan Allhands suggested that because many of the Board members may be busy in February due to calving, might be better to hold the training later in the year. Tammy will check to see if he has dates available sometime from the middle of May to the middle of June. Following discussion, Jim Hart moved to approve requesting a Board Leadership Training from Dan Clark of Local Government Services, MSU. Ron Nye seconded the motion. All voted aye and the motion carried.
- **Reasonable Suspicion Training/Drug and Alcohol:** Tammy discussed the option of sponsoring a Reasonable Suspicion Training for drugs and alcohol. She stated that Sam, owner of The Chemnet Consortium, will be available in the summer of 2020 and will conduct the training at the cost of \$65.00 per person. She noted that there are new regulations that will be covering by this training. There was discussion about holding this training and the Board Leadership Training in the same year. Jim Hart suggested alternating years, conducting one each year. There was also discussion about combining the class with other businesses, such as the Garnet Mine in Alder, to help reduce travel costs. Tammy will check with Chemnet to see if they have other classes scheduled in this area.
- **Emailing Payroll Stubs:** Vicki discussed the option of emailing payroll stubs to employees. She stated that Black Mountain has the ability to this and that it would save time and money for the County. She said it could be an optional method of providing pay stubs but didn't feel it should be mandatory. There was discussion about whether the pay stubs would go to County email addresses or to personal email addresses. Vicki stated that each employee could chose the address they would like to use but added that personal email addresses would not be secure. There was discussion about what type of information is on the pay stubs and it was noted that they do not have social security numbers or bank account numbers on them. Vicki will send an email offering this option to employees.

Grants: Jani Flinn, Grant Administrator, met with the Board to discuss the following topics. Bonnie O'Neill, Chief Administrative Officer, Vicki Tilstra, Finance Officer, and Britani Allhands, Finance Clerk, were present for this portion of the meeting.

- **FLAP Project MOU for Cliff, Wade, and Horn Creek Road:** Jani reviewed a proposed MOU with Western Federal Lands Highway Division to upgrade Wade Lake Road, Cliff Lake Road, and Horn Creek Road. Jani questioned several items in the MOU such as the width of the roads, who pays for the engineering of the project, the County providing in-kind material, and the point of contact for the project. After much discussion, the Board continued this item to Wednesday, January 8, 2020, at 10:30 a.m. when they will conduct a telephone conference with Curtis Jorgenson, Project Manager, for the Federal Highway Administration, Western Federal Lands Highway Division.
- **Ground Lease for Stockpiling Gravel for FLAP Project:** Jani discussed a ground lease for stockpiling gravel for the Wade, Cliff, and Horn Creek Roads project. She noted that they need to remember to let Curtis know that the preliminary cultural investigation has been completed and the final report can be expected by the end of the month. Jim stated that the ground lease has been reviewed by the Deputy County Attorney and that it is a three-year agreement for the cost of \$2,000 per year. There was discussion about the distance between the current location of the gravel and the storage site; and the possibility of crushing and hauling the gravel while putting it down rather

than stockpiling it. Following discussion, Jim Hart moved to approve the Ground Lease between Madison County and Theodore Liss for a portion of Lot 29-A, in Township 12 South, Range 2 East, Section 33, located in Madison County, known as 75 Horn Creek Road N., Cameron, Montana. Ron Nye seconded the motion. All voted aye and the motion carried.

- **Scope for the CDBG Community Facility Grant:** The Board discussed the proposed CDBG project for the Madison Valley Manor. Jani reviewed a list of options sent from Becky Lawson, SMA Architects, to conduct a meeting at the Manor. The Board agreed that Friday, January 24, 2020, at 10:30 a.m. would work the best. Jani will confirm the date and time with Becky. Other topics of discussion included the size of generator that is needed for the Manor, the possibility of a FEMA grant for the purchase of a generator, if an additional bathroom is needed off the kitchen area, and the possibility of blocking off the work area with Visqueen while the project is in progress. Vicki stated that she was confused because she thought that the CDBG funding was going to be used for upgrading the mechanical systems, such as the generator and boiler, and that the Nondi Harrington was going to help with fund-raising to remodel the kitchen. Jani stated that a change to the scope of work has not yet been approved and that DPHHS does not want the kitchen to be closed down. Jim Hart stated that if CDBG approves using funds for a generator, the kitchen can be updated later. Jani listed things that are out of compliance in the kitchen.

Discussion and/or Comments on Items Not Listed on the Agenda but Within the Board's

Jurisdiction: Justin Ekwall, Deputy County Attorney, met with the Board to give them an update on the progress of the Personnel Policy Committee. Bonnie O'Neill, Chief Administrative Officer, and Jani Flinn, Grant Administrator, were present for this portion of the meeting. Justin stated that the Committee has completed their draft of the policy and that he feels the draft is ready to be distributed to all employees for review. He would like to give employees 30 days to review the draft and make comments and if there are a lot of issues, it may require having another committee meeting. If not, he suggested having a staff meeting to review the draft and address any questions that come up. Jim Hart asked who the questions should be directed to. Justin responded that since he was the Chair of the Committee, they should be directed to him. This topic will be added to the agenda of the next regular Commission meeting for a formal decision to distribute the draft. Justin and the Board also discussed property acquisition at the Ennis Airport and compliance and liability issues with the Cataract Dam. Discussion included who responsibility it is to notify the public of the possibility of the dam breaching. Jim Hart will contact DNRC to ask them to notify the public.

Calendars: The Board reviewed calendars.

At 3:20 p.m. the meeting was continued to Wednesday, January 8, 2020, at 10:30 a.m.

Wednesday, January 8, 2020, at 10:30 a.m.: The meeting reconvened at 10:30 a.m. on Wednesday, January 8, 2020, in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana, with Commissioners Dan Allhands, Chairman, Ron Nye, and Jim Hart present. Jani Flinn, Grant Administrator, was also present for this portion of the meeting. The meeting was recorded in-lieu of having someone present to take minutes. The Board contacted Curtis Jorgenson, Project Manager, for the Federal Highway Administration, Western Federal Lands Highway Division, who clarified that the FLAP portion would be for hauling material only. There was discussion about the County match which will be crushing the gravel only. County costs must be documented and provided to him in an annual report. Vicki asked for clarification on how the funds would be handled. Curtis explained that although this is a Federal grant, all funds will be distributed directly through Western Federal Lands and they are responsible for the Federal reporting. Further discussion included taking funds for gravel crushing from Road District 3 rather than from the General Road Fund; hauling gravel from a pit closer to the project; why the funding is designated for hauling only; reduction of the width of the road; how the amount of gravel was determined; culverts in the project area that need to be replaced; calculating the amount of gravel needed for 14' to 16' wide roads to double-check numbers. There was also discussion about crushing all the material at one time and stockpiling it versus crushing it as needed over a three year period so they don't end with excess stockpiled material. Jim will ask Roy Hill, Road District 3 Foreman, to calculate the amount of gravel needed. Jim Hart stated that the main question is, do we accept the funds and let them do the hauling, or reject the grant and do the hauling ourselves?

With no further business, the meeting was adjourned at 11:30 a.m.

Next meeting: The next regular Commission meeting will be held on Tuesday, January 14, 2020, beginning at 9:30 a.m. in the Commissioners' Conference Room of the Administrative Office Building in Virginia City, Montana.

Dan W. Allhands, Chairman
Board of Madison County Commissioners

Date Approved: January 14, 2020

Minutes prepared by:

Laurie Buyan, Executive Assistant to the
Board of Commissioners

Attest: _____
Kathleen Mumme, Clerk and Recorder, Madison County